IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 10650 of 2000

Between:

M.Sreenadham, S/o.Late Ramakrishnaiah, Hindu,
R/o.Gadilanak (V), Mummidivaram Mandal,
East Godavari District.

..... PETITIONER

AND

1 Revenue Divisional Officer,
Amalapuram, E.G.District.
2 Mandal Revenue Officer,
Mummidivaram, East Godavari District.
3 The District Collector,
East Godavari District at Kakinada.
4 Maddula Venkata Rama Rao, s/o.Krishnamurthy
Sri Ganesh Coconut Merchant, Palakole,
W.G.District.
5 Maddula Veera Venkata Naga Surya Krishna Kumari, W/o.Venkata Rama Rao,
Sri Ganesh Coconut Merchant, Palakole,
W.G.District.
6 Maddula Satya Balaji, s/o.Venkatarama Rao,
Sri Ganesh Coconut Merchant, Palakole,
W.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring

the inaction of the respondents 1 to 3 in taking action against the Respondents 4 to 6 pursuant to our representation dt:10.6.2000 for conversion of agriculture lands situated in R.S.No.R.S.No.31/1, measuring Ac.3.14 cents; 33/1 and 33/2 measuring Ac.1.74 and 0.12 cents and 32/1 Ac.1.00 respectively situated in Gadilanka Village of Mummidivaram Mandal, E.G.District into prawn tanks as illegal, arbitrary and contrary to the instructions issued by the Government from time to time and for a consequential order directing the Respondents 1 to 3 not to allow the Respondents 4 to 6 or their lessees from further digging of prawn tanks nor carrying out fish/prawn operation in the above said land and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondents No.1 to 3: GP FOR REVENUE

The Court made the following:

ORDER:

For declaring the inaction of respondents 1 to 3 in taking action against respondents 4 to 6 pursuant to the representation of the petitioner dated 10-06-2000 for conversion of agricultural lands, situate in R.S.No.32/1, admeasuring Ac.3-14 cents, R.S.Nos.33/1 and 33/2 admeasuring Ac.1-74 cents and Ac.0-12 cents and R.S.No.32/1 admeasuring Ac.1.00 respectively, situate in Gadilanka village of Mummidivaram Mandal, East Godavari District, into prawn tanks as illegal, arbitrary and contrary to the instructions issued by the Government from time to time and for a consequential order directing respondents 1 to 3 not to allow respondents 4 to 6 or their lessees from further digging of prawn tanks nor carrying out fish/prawn operations in the above said land, this writ petition has been filed by the petitioner.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Revenue.

The learned counsel for the petitioner contends that the petitioner is the absolute owner of the lands in question, and he has gifted the said lands to his four daughters and he has been looking after the affairs of the agriculture. While the matter stood thus, respondents 4 to 6 proposed to dig the prawn tanks with the help of their henchmen, who have already dug prawn tank in an extent of Ac.3-00, but not commenced the fishing operations.

It is further contended that he made a representation on 10-06-2000 requesting respondent No.1 to take appropriate action against respondents 4 to 6 restraining them from digging prawn tanks. Inspite of several representations made to the authorities, they failed to take any action against the concerned. The respondents 4 to 6 have neither right nor justification in converting the agricultural

lands into prawn tanks. Hence, this writ petition is filed.

The respondents filed counter affidavit denying the allegations mentioned in the petition stating that the respondents 4 to 6 have not dug any fish tanks nor they proposed to dig the prawn tanks in the lands in question.

Having regard to the facts and circumstances of the case and in view of the allegations made in the counter affidavit that so far no tank is being dug in the lands in question, I do not see any valid reason to grant the relief as sought for.

Accordingly, the writ petition is dismissed. No order as to costs.

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17-06-005

Prv

To

1 The Revenue Divisional Officer,
Amalapuram, E.G.District.
2 The Mandal Revenue Officer,
Mummidivaram, East Godavari District.
3 The District Collector,
East Godavari District at Kakinada.
4 Two CCs to G.P. for Revenue, High Court of Andhra Pradesh,

Hyderabad (OUT).

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